Nakoda Declaration

We, the members of the Alberta Human Rights Commission, are committed to uphold the dignity of every Albertan. From time to time derogatory pins, calendars and other offensive materials have surfaced.

In response, we declare:

These materials degrade, dehumanize and hurt identifiable Albertans. They are wrong.

The dis[illegible] exploit the fea[illegible] ook for new groups to exploit.

We beli[illegible] and do not wa[illegible] t speak out we [illegible] materials by our silence. We urge Albertans to speak out.

We commend the many Albertans who have already spoken out. We particularly commend newspaper editorial writers for consistently supporting human rights principles.

Alberta, as a member of the global community which has welcomed the world on many occasions, cannot tolerate these attitudes.

We believe that we are better and stronger when we treat each other with respect and dignity.

Annual Report

1 April 1989 – 31 March 1990

Alberta
HUMAN RIGHTS COMMISSION

"WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin; and

... it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected."

FROM THE PREAMBLE TO THE INDIVIDUAL'S RIGHTS PROTECTION ACT

ANNUAL REPORT

1 APRIL 1989 – 31 MARCH 1990

Alberta

HUMAN RIGHTS COMMISSION

LABOUR

Office of the Minister

103 Legislature Building
Edmonton, Alberta T5K 2B6
Telephone 403/427-3664
Fax 403/422-9556

September, 1991

The Honourable Dr. David Carter
Speaker of the Legislative Assembly
325 Legislature Building
Edmonton, Alberta

Dear Dr. Carter:

I have the honour to submit the Annual Report of the Alberta Human Rights Commission for the fiscal year ended March 31, 1990. The report is submitted in accordance with section 18(2) of the Individual's Rights Protection Act.

Yours truly,

Elaine McCoy Q.C.
Minister of Labour

Alberta
HUMAN RIGHTS COMMISSION

Room 805, 10808 - 99th Avenue, Edmonton, Alberta, Canada T5K 0G2 403/427-3116 Fax 403/422-3563 1-800-432-1838

September, 1991

The Honourable Elaine McCoy, Q.C.
Minister of Labour
103 Legislature Building
Edmonton, Alberta

Dear Ms McCoy:

I am pleased to submit to you, the Minister responsible for the administration of the Individual's Rights Protection Act, the Annual Report of the Alberta Human Rights Commission for the Fiscal Year 1989-90 for tabling before the Legislative Assembly.

Yours truly,

Fil Fraser
Chairman

92-07934/

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CHAIRMAN'S REPORT

The 1989-90 year was the busiest in the 18-year history of the Alberta Human Rights Commission. Three landmark Board of Inquiry decisions; a record high in the number of complaints, the appointment of a new Chairman and three new Commissioners, the introduction of significant amendments to the Individual's Rights Protection Act, and the development of a new and more visible public profile, all contributed to a challenging, active and fruitful year.

Stanley Scudder retired as Chairman at the end of May 1989, after eight years of service, both as a Commissioner and as Chairman.

I was honoured to be appointed Chairman for a three-year term beginning June 1, 1989. Three new Commissioners, Dr. Raffath Sayeed, of Lloydminster, Dr. Ronald Scrimshaw, of St. Albert and Ms Shirish Chotalia, of Edmonton, were appointed in November 1989. They joined Ms Alaine Skoreyko and Mr. Del Iannucci of Calgary, both appointed in March 1989. Mrs. Edna Short, of Red Deer, was appointed to a second term on the Commission in December.

A new Executive Director, Mr. Harry Goldberg, began duties on February 1, 1990. Mr. Goldberg, who had been Chief Electoral Officer for the Province of British Columbia, was successful in a competition that included 185 candidates from across Canada.

The Commission undertook a number of projects to make Albertans more aware of its role and responsibilities, and of its determination to be visible, accessible and understandable. First, and most important, was the decision to hold its monthly meetings in public. With the exception of those parts of the meetings in which legal activities of the Commission and the handling of confidential complaints are being reviewed, the public has been invited to observe the Commission's meetings since September 1989. Time is allocated at the end of each meeting for members of the public and media to ask questions or make comments. An evening session was added to the monthly meetings in which the public could participate fully in discussions of human rights issues.

To make the Commission more accessible, a toll free telephone line was installed, allowing the head office and regional offices in Edmonton and Calgary to be contacted from anywhere in Alberta.

Telephone numbers of Commission members were distributed to the media, with the expectation that all Commissioners can address current issues in an informed manner. During the past year, Commissioners were active in speaking engagements and a wide variety of other activities important to our responsibility to promote and advocate the principles of human rights.

To make the work of the Commission more understandable, summaries of cases which have been investigated and subsequently closed are now made public each month. Previously this information was available only to staff and members of the Commission. The findings of Boards of Inquiry are made public through news conferences and releases. At the end of this fiscal year, we launched "Dignity," a newsletter designed to keep people with special interests in human rights, members of the Legislature, and the media informed of activities and issues.

An important initiative undertaken by the Commission was the separation of the cost of Boards of Inquiry from its regular budget. Boards of Inquiry are established by the Minister when complaints cannot be resolved by the Commission through mediation or negotiation. The complexity of Boards of Inquiry has varied dramatically. Some have completed their work over a relatively short span, while others have taken years to complete. Further, some Boards of Inquiry decisions have been appealed as far as the Supreme Court of Canada. There is no way to predict when Boards might be required, or how long their work will take. Consequently, there has been no way to accurately budget for them.

Boards of Inquiry are provided for under the Individual's Rights Protection Act. It is important to note that they are not part of the Human Rights Commission. Boards of Inquiry are independent, quasi-judicial bodies which adjudicate issues brought to them by the Commission. Evidence is heard from complainants and respondents in order to determine if violations of human rights legislation have taken place. The Commission has taken steps to ensure that Boards of Inquiry are not seen to be agents of the Human Rights Commission.

Under its legislation, the Alberta Human Rights Commission may direct the Minister of Labour to appoint a Board of Inquiry to adjudicate a dispute. It is important that delays in appointing Boards be kept to a minimum. The timely appointment of Boards of Inquiry has been an important and encouraging feature of human rights activities in the past fiscal year. The Commission commends the Minister of Labour, the Honourable Elaine McCoy, Q.C., for the expeditious manner in which she has responded to calls for the establishment of Boards of Inquiry.

A past member of the Commission, Suzanne Mah, a respected Edmonton lawyer, died in August 1989. A special Human Rights Award was established in her name and will be given to the member of the legal profession who best exemplifies human rights principles in the practice or teaching of law. The first Suzanne Mah Award will be presented in the next fiscal year.

The Commission conducts an ongoing review of its legislation and, from time to time, makes recommendations for change. Several amendments to the Individual's Rights Protection Act were introduced in the Legislature during this reporting year. These amendments included the strengthening of the protection against sexual harassment for live-in farm and domestic workers, and more protection against retaliation for persons who register complaints with the Commission. As well, the title of my position will be changed from Chairman to Chief Commissioner, meaning that, technically, I have written this as the last Chairman of the Alberta Human Rights Commission.

The centrepiece of the amendments, however, was the inclusion of mental disability as a protected ground. A more detailed summary of amendments to the Act is presented elsewhere in this report.

In preparation for this major change in the Individual's Rights Protection Act, the Commission established an Expert Committee on Mental Disability. In future, the Committee will help Human Rights Officers to better understand individuals who register complaints of discrimination on the basis of mental disability. The Committee includes mental health professionals as well as members of relevant advocacy groups.

The Expert Committee on Mental Disability was only one of several initiatives undertaken by the Commission during the year to improve its effectiveness. Many Albertans have served on the Commission over the years and retain an interest in and commitment to human rights principles. Early in my term, I established a Chairman's Council on Human Rights which includes all past and present members of the Alberta Human Rights Commission. Through the Council, past Commissioners are encouraged to participate in Commission activities and to share their experience and insight with present members.

A public discussion on discrimination against members of visible minorities in the taxi industry led to another initiative. While allegations continue that members of certain minorities cannot get work as taxi drivers, the Commission received no further complaints from individuals this year.

To clarify the issue, a study of discrimination in the taxi industry was commissioned from the Population Research Laboratory at the University of Alberta. The independent study found that while there is prejudice and a widespread perception of discrimination, actual cases in which people are clearly denied employment on the basis of race or religion are rare.

Human rights principles are at the ethical core of every religion. The Commission was encouraged by the enthusiasm with which Alberta's religious leaders have taken up the challenge. In the course of its public meetings, the Commission met with leaders of religious and faith communities in Calgary and Edmonton and, as a result, a new Interfaith Council on Human Rights was launched. The Council is expected to plan a number of events for 1990-91, including a newsletter on human rights issues which will be made available to congregations and religious communities throughout Alberta.

The Commission found itself at the centre of a number of contentious issues during the year. The emergence of lapel pins expressing racial prejudice came to the attention of the Commission. A complainant alleged a pin which used the international symbol for "NO," "STOP," "DON'T," "WRONG," a circle with a bar through it, in relation to an identifiable visible minority was discriminatory. Commission staff in Calgary established that the complaint appeared to be well founded. As a result of the intervention of the Regional Director, the distributor agreed to withdraw the pin from circulation.

Other pins which subsequently emerged were not as clearly discriminatory under current human rights or hate literature legislation, but they were no less insulting and prejudicial to racial minorities. The Commission took a strong public stand against the pins and related calendars, T-shirts and other similar materials. The Commission unanimously condemned the pins and those who distributed them in the Nakoda Declaration, issued from the Nakoda Lodge on the Stony Indian Reserve, west of Calgary. The Declaration called on Albertans to speak out against the mean-spirited, derogatory pins.

Commissioners also examined issues surrounding the principles of employment equity. Seventy per cent of complaints brought to the Commission involved workplace issues. Employment equity programs are designed to create situations in which the work force of a community reflects the make-up of the community at all levels, including top management. The Commission believes that the human rights of many Albertans are diminished by inequities in hiring and promotion practices and by traditions in the work-place. For example, in Alberta's schools, a majority of workers are women, yet only a small percentage of senior managers and administrators are women.

In the year ahead, the Commission must deal with the challenge of meeting a rising caseload in a time of fiscal restraint. We will examine a number of options, including the use of volunteers in educational activities, and the secondment of personnel from the private sector to work in

EXECUTIVE DIRECTOR'S REPORT

Commission offices. We believe that corporations can improve the knowledge and understanding of their human resources or labour relations personnel by "lending" them to the Commission for periods of up to six months. Participating corporations will get back individuals with a better understanding of human rights issues and the processes of mediation that are at the core of our work. The Commission will have the benefit of additional staff who can, while in the training process, assume some of the workload. Discussions with Alberta corporations will begin during the new reporting year.

Many Albertans care deeply about the advancement of human rights principles. They are welcome advocates in support of our mandate "to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical or mental disability, age, ancestry or place of origin." The Commission hopes to find effective ways to involve these Albertans in our work.

Political and fiscal priorities determine the range and level of activity a Human Rights Commission can undertake. During the past year, the range and level of that activity in Alberta has increased. The hope and commitment of the Commission is to extend our efforts until we persuade all Albertans that we are better and stronger when we treat each other with respect and dignity.

Fil Fraser
Chairman
Alberta Human Rights Commission

Having taken up my duties as Executive Director of the Commission on February 1, 1990, it soon became apparent that there was much to learn and do given the numerous requirements of the position. The office of the Executive Director is responsible for the operational aspects of the Commission. It plans and participates in managing the activities of the Commission and facilitates the development, implementation and administration of Commission policy.

The Alberta Human Rights Commission has the primary responsibility of ensuring that Albertans are treated without discrimination and enjoy fair play in employment, accommodation and public services. We have three offices serving the residents of Alberta: a head office in Edmonton and offices serving Southern Alberta in Calgary and Northern Alberta in Edmonton. These offices are staffed by 25 civil servants who serve the public and the administrative needs of the Commission.

The past year was one of considerable activity and increasing volume. In complaints docketed, our regional offices handled an average increase of 49 per cent over the previous year and handled an average increase of 50 per cent in complaints concluded from the previous year. The heavier workload and the continuing high level of professional service available from our human rights officers is particularly remarkable since we have not recently increased our staff or budget. Considering the ratio of staff to population served, and comparing that to other Canadian human rights agencies, Alberta, with each officer being responsible for almost 139,000 Albertans, is among the busiest Human Rights Commissions in Canada. This is further demonstrated when one compares the number of complaints handled to the number of officers available.

The Commission works diligently to perform its tasks fairly, impartially and expeditiously. However, it too, can and should come under scrutiny on occasion. During this reporting period, the Office of the Ombudsman commenced an investigation of a complaint dealing with the adequacy of an investigation by the Commission in regard to sexual harassment and racism. The review by the Ombudsman has not yet been concluded.

In the period ahead, it is the intention of this office to prepare and work within a plan to assist us in coping with the increased demand for our services. Among the objectives to be included in this plan will be the development of a strategy for budget forecasting. This may include a fiscal management regime which decentralizes spending authority, and improves the tracking and reporting of expenditures. Since leadership at several levels of the Commission's operations has recently undergone change, there is a need to ensure inter-office consistency in our day to day operations and to create among all staff an understanding and appreciation of updated Commission procedures. Of utmost importance is the objective of establishing appropriate programs for staff development and support within the framework of fiscal resources.

We have started to build a more confident working relationship between our directors, and decentralization of some of the administrative workloads of the Commission and the standardization of both regional offices is underway. Limited resources create a need to work harder and smarter to service caseloads. This is being addressed through the development of a fully computerized inquiry and case tracking system which is expected to be fully implemented in the fall of 1990.

Harry Goldberg
Executive Director
Alberta Human Rights Commission

REGIONAL DIRECTORS' REPORT

NORTHERN REGION

The 1989-90 fiscal year was a very busy time for the Northern Regional Office.

One complaint from our office was heard by a Board of Inquiry: Raminder Singh had been told that he would not be permitted to attend a social function at the Jasper Place Legion, as he is a Sikh who wears a turban in accordance with requirements of his religion, and the Legion by-laws prohibit men from wearing any head-dress, except on executive-approved occasions, in their facilities. The Board of Inquiry decision is summarized elsewhere in this report.

Another Board of Inquiry is scheduled to hear a complaint of sexual harassment in employment. Four other complaints remain open pending decisions of the Court. Two involve mandatory retirement. One concerns a question of whether a doctor on medical staff at a hospital is in an employment relationship with the hospital. A Supreme Court of Canada decision will determine whether absence from work for religious observances was cause for dismissal; this decision will further clarify "bona fide occupational requirement."

Our emphasis on early, informal intervention in response to complaints has had positive results; in most cases, matters are quickly resolved to the satisfaction of both parties. For example, a woman who had been unable to attend the second level of a course, because the class was scheduled in a wheelchair inaccessible location, was accommodated by having the class relocated to a wheelchair accessible location. In a similar situation, a retail outlet located in the lower level of a mall arranged to improve elevator access to customers with mobility disadvantages. In three separate situations, persons with vision impairments were not allowed to cash cheques because they did not have a driver's license; these cases were resolved when the retailers agreed to accept alternative identification. An arcade game, displaying Native persons as targets, was promptly removed from the display when complaints were brought to the attention of the managers. A preschool agreed to provide an advance schedule of activities based on religious beliefs to allow parents of other religious beliefs to make alternative arrangements for their children at those times.

The Commission assisted a woman when a credit union, at which she and her husband had a joint account, offered only her husband a preapproved credit card. The credit union agreed to change the basis for determination of primary account holders. In an employment complaint, the manager of a business took appropriate action to ensure that offensive materials, such as racially derogatory jokes, would not continue to be circulated in the workplace. In these and many other situations, complaints were resolved with commendable leadership by employers, service providers and landlords who wanted to ensure that complaint situations would not recur.

Education program activities increased nearly three-fold over the previous year, primarily as a consequence of individualized consultation services to employers. We provided advice on requests concerning application for and personnel policy issues related to the Individual's Rights Protection Act, as well as education sessions to assist in complaint resolutions and as a complaint prevention strategy. We continued to provide seminars to provincial government supervisors and managers, as well as to government personnel services and a wide variety of employers. We made presentations to post-secondary business classes and worked with private sector employment agencies and programs.

We have initiated contact with community mental health service agencies, in anticipation of inclusion of mental disability as a protected ground, and with community-based resource groups through the rural Family and Community Social Services network. These initiatives will be our major focus in the coming year.

Carol Wodak
Regional Director (Northern Region)
Alberta Human Rights Commission

SOUTHERN REGION

The Southern Regional Office has had an extremely busy year.

Two landmark cases were dealt with at a Board of Inquiry level. One involved an individual who was fired from his job because he had AIDS. The other case involved a complaint filed by a 19-year-old male who claimed he was discriminated against on the ground of sex because he was required to pay a higher premium for automobile insurance than females in the same age bracket.

Another Board of Inquiry will determine whether an employer has the right to require women who are on maternity leave to pay the full amount of benefit premiums unlike others who continue to pay their group benefits on a cost sharing basis while on health-related leave. A more detailed summary of cases brought before Boards of Inquiry is contained elsewhere in this report.

The majority of complaints handled by the Southern Regional Office have been received from in and around the Calgary area. However, there has been a marked increase in complaints received from the greater Lethbridge area. Activities undertaken this year include: the

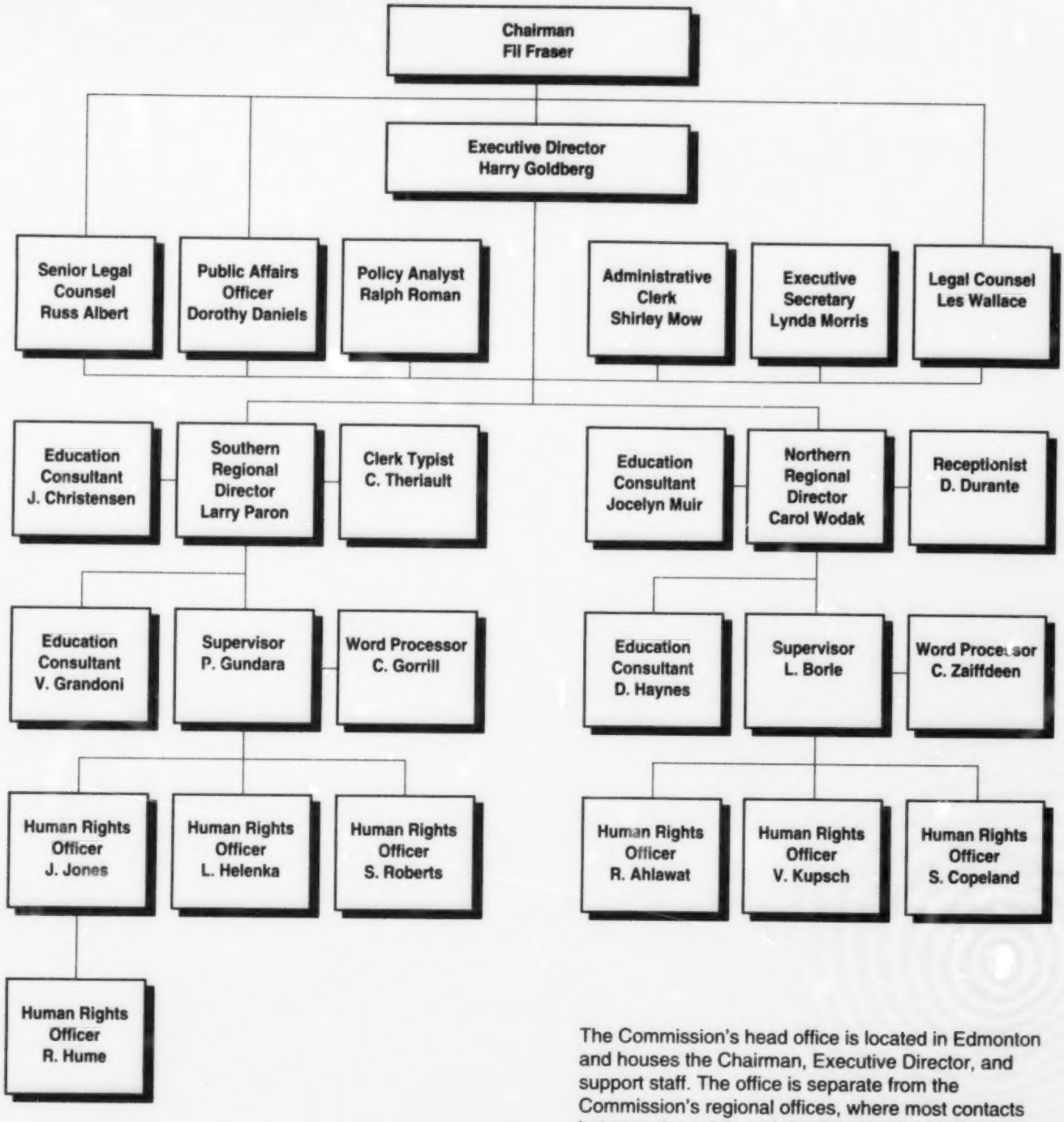
Commission's initiative relating to Native issues in southern Alberta, the addition of the toll free telephone line to provide ease of public access from all areas of Alberta and the establishment of the Resource Committee on Mental Disability, which has proved to be a valuable asset in helping staff to better understand community needs. This is particularly true in view of the amendment to the Individual's Rights Protection Act which now includes mental disability as a protected ground.

Through the use of our informal processing procedure, we have been successful in dramatically reducing the time involved in bringing complaints to a satisfactory resolution; within the same day in some cases. For example, a man claimed retaliation because he did not receive a promotion. As it turned out, his claim was unfounded and the matter was concluded. In two separate cases associated with claims of sexual harassment, settlements, which included lost wages and expenses incurred, were negotiated on behalf of complainants. A large number of cases associated with night clubs refusing entry to individuals of Asian ancestry because of alleged "Oriental gang problems" were resolved. The daughter of a woman who is blind asked the Commission's assistance because her mother had been denied an apartment because she has a seeing eye dog. This resulted in the owner of the complex extending her a sincere apology and seeking advice from the Canadian National Institute for the Blind (CNIB) as to how to better serve the needs of the blind. A situation involving a business establishment that had distributed flyers which clearly discriminated against Native Canadians was resolved with a public apology and an assurance that an incident of this nature would not recur.

Our education program was welcomed in a number of smaller centres in southern Alberta, which resulted in a dramatic increase in activity for the past year. Numerous education sessions were conducted with audiences, including private industry, government agencies, universities, colleges, cultural organizations and various other interest groups. As well, there was a substantial increase in requests received from various organizations for assistance when they were unsure of what method to best utilize in areas involving employment, service and tenancy situations.

Larry Paron
Regional Director (Southern Region)
Alberta Human Rights Commission

ORGANIZATIONAL CHART



The Commission's head office is located in Edmonton and houses the Chairman, Executive Director, and support staff. The office is separate from the Commission's regional offices, where most contacts between the public and the Commission staff occur. The Northern Regional Office in Edmonton is responsible for the province north of Red Deer, the Southern Regional Office in Calgary is responsible for the Commission activities in Red Deer and the southern half of the province.

MANDATE

Through the directives outlined in the **Individual's Rights Protection Act** the Alberta Human Rights Commission follows a two-fold mandate:

1) to promote and safeguard the spirit and principles embodied in the Act.
2) to protect Albertans from acts of discrimination.

The Commission fulfils this mandate through public education initiatives and investigation of complaints of discrimination.

The purpose of the Act is to offer all Albertans an equal opportunity to earn a living, find a place to live, and enjoy public services and accommodations, without discrimination.

The Individual's Rights Protection Act, first passed in 1972, protects Albertans in four main areas:

- employment,
- tenancy,
- public services and accommodation,
- signs and notices.

Within these areas, it is a contravention of the Act to discriminate against any person on the basis of race, colour, sex, religious beliefs, physical disability, mental disability, ancestry or place of origin.

As well, in the area of employment it is a contravention of the Act to discriminate against any person on the basis of age, pregnancy or marital status.

Further, in the area of signs and notices, age is a ground protected from discrimination.

IT IS THE FUNCTION OF THE COMMISSION

(a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin,

(b) to promote an understanding of, acceptance of and compliance with this Act,

(c) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin and

(d) to encourage and co-ordinate both public and private human rights programs and activities.

From section 10(1) of the Individual's Rights Protection Act

THE PROCESS

When a complaint is filed on the basis of one of the protected grounds, the Commission must first determine whether it has jurisdiction and whether there are reasonable grounds to believe discrimination has occurred. The complainant is required to sign a complaint form before an investigation can begin. The respondent, or party against whom the complaint is lodged, is notified of the complaint before any further action is taken.

The Commission attempts to negotiate a resolution, seeking remedies that will, to the greatest extent possible, restore the individual to the same position he or she was in before the act of discrimination took place. However, the Act is not a penal statute. The Commission does not have power to order an employer, landlord, or service provider to pay a fine or agree to a settlement. Neither can the Commission establish guilt or innocence in a complaint. Its function is remedial, not punitive.

Many cases can be dealt with in an informal manner, with the consent of the parties involved. The aim is to resolve the complaint as soon and as easily as possible. The complaint can be settled or concluded at any stage of the process. However, if mediation efforts are unsuccessful, the complaint will be formally investigated.

If it is determined that the Act is contravened, Commission officers attempt to negotiate a settlement. Settlements can vary from letters of apology to cash settlements for lost wages.

In most cases, complaints are satisfactorily settled between the complainant and the respondent.

BOARDS OF INQUIRY

If the Commission is unable to settle a complaint, the Individual's Rights Protection Act provides for it to direct the Minister of Labour to appoint a Board of Inquiry, a quasi-judicial body. A Board of Inquiry is separate and distinct from the Commission. At this level, the Commission has the duty to present the complaint to the Board of Inquiry, on behalf of the complainant. Proceedings are of a civil rather than criminal nature. The Board also has the powers established under the Public Inquiries Act.

A Board of Inquiry hears evidence from both the complainant, the respondent, and any other parties which may be involved. The Board will review the evidence under terms of the Public Inquiries Act and will issue a decision. The Board may:

- dismiss the complaint, if it is found to be unjustified
- order the offending party or parties to cease the discriminatory action
- order the offending party or parties to compensate the person(s) discriminated against for lost wages or expenses
- take any other action it considers proper to restore the person discriminated against to the position he or she was in prior to the discrimination.

This decision, by Commission policy, is entered with the Court of Queen's Bench and becomes enforceable in the same manner as an order of the Court of Queen's Bench. The Board has the powers established under the Public Inquiries Act.

Decisions of the Board can also be appealed to the Court of Queen's Bench on a question of fact or mixed fact and law.

The following cases were before Boards of Inquiry during the fiscal year from April 1, 1989 to March 31, 1990.

1. STE vs Peter Bertelsen

Chair: William B. McFetridge

This was the first complaint of employment discrimination because of AIDS (Acquired Immune Deficiency Syndrome) to go before a human rights Board of Inquiry in Canada.

STE had been employed for four summers as a musician with the Peter Bertelsen Trio at Chateau Lake Louise. In June, STE was diagnosed as having AIDS. Upon hearing this, his employer, Mr. Bertelsen, fired him from his job. On January 13, 1989, STE filed a complaint against his employer alleging discrimination on grounds of physical disability. A Board was appointed in March 1989 and the hearing was held May 9 and 10, 1989. The Board's decision was issued on May 30, 1989. The complaint was upheld and STE was awarded financial compensation for lost wages and expenses incurred, plus interest.

2. Sue Herron vs Medicine Hat Catholic School Board

Chair: Allan D Hunter

Sue Herron filed a complaint with the Commission on January 13, 1988, claiming discrimination on the grounds of marital status. In July 1987, she was hired to a teaching position with the Medicine Hat Catholic School Board. Later that month she informed the school board that she was an unmarried mother. It was alleged that the school board then threatened to break her employment contract and forced her to resign from her position. A Board of Inquiry was appointed in March 1989. A settlement was reached between the parties prior to commencement of the hearing.

3. Paulene Splett vs Sum's Family Holdings Ltd. and Paul Hoy

Chair: Brad McManus; Yessy Byl; and Dr. John More

Paulene Splett, a cook in a Ponoka restaurant, filed a complaint with the Commission on October 11, 1988, alleging that she was sexually harassed on the job by her supervisor. Attempts by human rights officers to reach a settlement were unsuccessful. In its decision to direct a Board of Inquiry in the case, the Commission indicated it would seek legal costs against the respondent.

A Board of Inquiry was appointed on March 16, 1990.

4. Adrian Watters vs Cooperators General Insurance Company

Chair: G.M. Meagher

This case is of major importance to the automobile insurance industry in Alberta because it affects a standard industry rating practice.

Adrian Watters filed a complaint of discrimination on the ground of sex against Cooperators General Insurance Company in June 1988. Mr. Watters, a 19-year-old, claimed that the insurance company informed him that he would have to pay substantially higher premiums than his 17-year-old girlfriend for insuring the same vehicle. A Board of Inquiry was appointed on December 19, 1988. A hearing was held June 26 to 30, 1989, and July 14, 1989. A decision upholding the complaint was issued on February 22, 1990.

The Board found that the differential rates were a contravention of Section 3 of the Individual's Rights Protection Act and that gender-based rates were not "reasonable and justifiable" under Section 11.1 of the Act. The company has appealed the Board of Inquiry decision to the Court of Queen's Bench.

COURT PROCEEDINGS

5. Raminder Singh vs Jasper Place Legion

Chair: Ken Chapman

Mr. Singh, a baptized Sikh, is required by his faith to wear a turban. He wished to attend a Christmas party for employees of his wife's employer who booked the premises of the Jasper Place Legion for the event. Prior to the party, Mr. Singh was informed that the Legion Branch did not allow the wearing of headdress and that the rule would be enforced. As a result, he did not attend.

On April 21, 1988, Mr. Singh filed a complaint of discrimination in public services on the ground of religious belief. A Board of Inquiry was appointed August 16, 1989, and the hearing was held November 21, 22, and December 14, 1989.

The Legion defended the complaint on the basis that it was a private club and therefore Section 3 of the Individual's Rights Protection Act did not apply, and that its headdress rule was "reasonable and justifiable." The Board upheld the complaint and ordered the Legion to cease discriminatory application of its policy and to amend the discriminatory bylaw accordingly.

6. Susan Parcels vs Red Deer General Auxiliary Hospital; Nursing Home District #15; Alberta Hospital Association; and United Nurses of Alberta, Local #002

Chair: Anne deVillars

This is the first human rights Board of Inquiry to examine the implications for employment benefit plans of the Supreme Court of Canada decision in *Brooks vs Canada Safeway.*

Susan Parcels, a nurse at the Red Deer Hospital, was required to set the dates of her maternity leave in advance and to prepay 100 per cent of the cost of employment benefits normally cost-shared with the employer in order to maintain coverage during maternity leave. This was in accordance with the collective agreement between the Hospital and the United Nurses of Alberta.

Ms Parcels filed a complaint on June 7, 1989, claiming discrimination in employment on the basis of pregnancy. A Board of Inquiry was appointed in November of 1989, and the hearing was held on March 8, 9, and 12, 1990. The hearing is scheduled to resume on May 15 and 16, 1990.

7. Dr. Oleh Zujewskjy vs University of Alberta

Chair: Ken Alyuia

Professor Oleh Zujewskjy filed a complaint of age discrimination alleging that he was required to retire upon reaching the age of 65. The complaint is in abeyance pending the ultimate outcome of the similar complaint in *Dickason vs Governors of the University of Alberta, infra.*

A decision of a Board of Inquiry may be appealed to the Courts. Following are cases in which the Commission has been involved in Court proceedings during the reporting period.

1. Dr. Olive Dickason vs Governors of the University of Alberta

(Alberta Court of Appeal)

Professor Olive Dickason filed a complaint of age discrimination with the Alberta Human Rights Commission alleging that she was required by her employer, the University of Alberta, to retire upon reaching the age of 65. A Board of Inquiry was appointed and in October 1987, issued a decision upholding the complaint and reinstating Professor Dickason with back pay.

The University of Alberta appealed the decision to the Court of Queen's Bench. The Court upheld the decision of the Board of Inquiry. It held that the "reasonable and justifiable" defence under Section 11.1 of the Individual's Rights Protection Act (IRPA) is to be interpreted in the light of the similar defence under Section 1 of the Canadian Charter of Rights and Freedoms. The Court held that although the objectives served by the mandatory retirement policy were valid, the policy itself was disproportionate to those objectives and was therefore not "reasonable and justifiable" under Section 11.1 of the IRPA.

The University appealed further to the Court of Appeal. By agreement of the parties, and with leave of the Court of Appeal, the appeal has been held in abeyance pending rulings by the Supreme Court of Canada in several other mandatory retirement cases.

2. Alberta Human Rights Commission and Jim Christie vs Central Alberta Dairy Pool

(Supreme Court of Canada)

Mr. Christie filed a complaint on May 30, 1983, alleging he was discriminated against on the basis of his religious beliefs when he was fired for having taken time off from work for religious reasons. The employer maintained that there was no intentional discrimination and that, because of production requirements, the company could not reasonably accommodate his request for time off work.

A Board of Inquiry found that the employer had discriminated against Mr. Christie on the basis of his religious beliefs and that it had a duty to accommodate his religious requirements. It ordered the payment of compensation.

The employer appealed to the Court of Queen's Bench. The Court overturned the decision of the Board of Inquiry on the basis that the employer's work schedule was a bona fide occupational requirement.

Mr. Christie and the Commission appealed to the Court of Appeal. The Court of Appeal upheld the decision of the Court of Queen's Bench. The Commission appealed further to the Supreme Court of Canada.

The Supreme Court of Canada granted leave to appeal and interventions were filed by the Seventh Day Adventist Church, the Canadian Human Rights Commission, and the Canadian Jewish Congress. The appeal was heard on October 13, 1989. The Court reserved its decision.

3. Dr. Joseph Bugis vs University Hospitals Board

(Alberta Court of Queen's Bench)

Dr. Joseph Bugis filed a complaint alleging that the Hospitals Board had refused to grant him the active staff privileges from which he had voluntarily retired several months previously. The Commission directed the appointment of a Board of Inquiry to hear the case.

Prior to the Board of Inquiry hearing, the Board stated a case on two questions of law to the Court of Queen's Bench:

1) whether the relationship between Dr. Bugis and the hospital was one of "employment" under the Individual's Rights Protection Act (IRPA); and
2) whether the complaint was timely in view of the limitation period in Section 19(2) of the IRPA.

The Court answered "no" to both questions.

The Commission and Dr. Bugis appealed to the Court of Appeal. The appeal is scheduled for May 9, 1990.

4. Alberta Human Rights Commission vs City of Calgary

(Alberta Court of Queen's Bench)

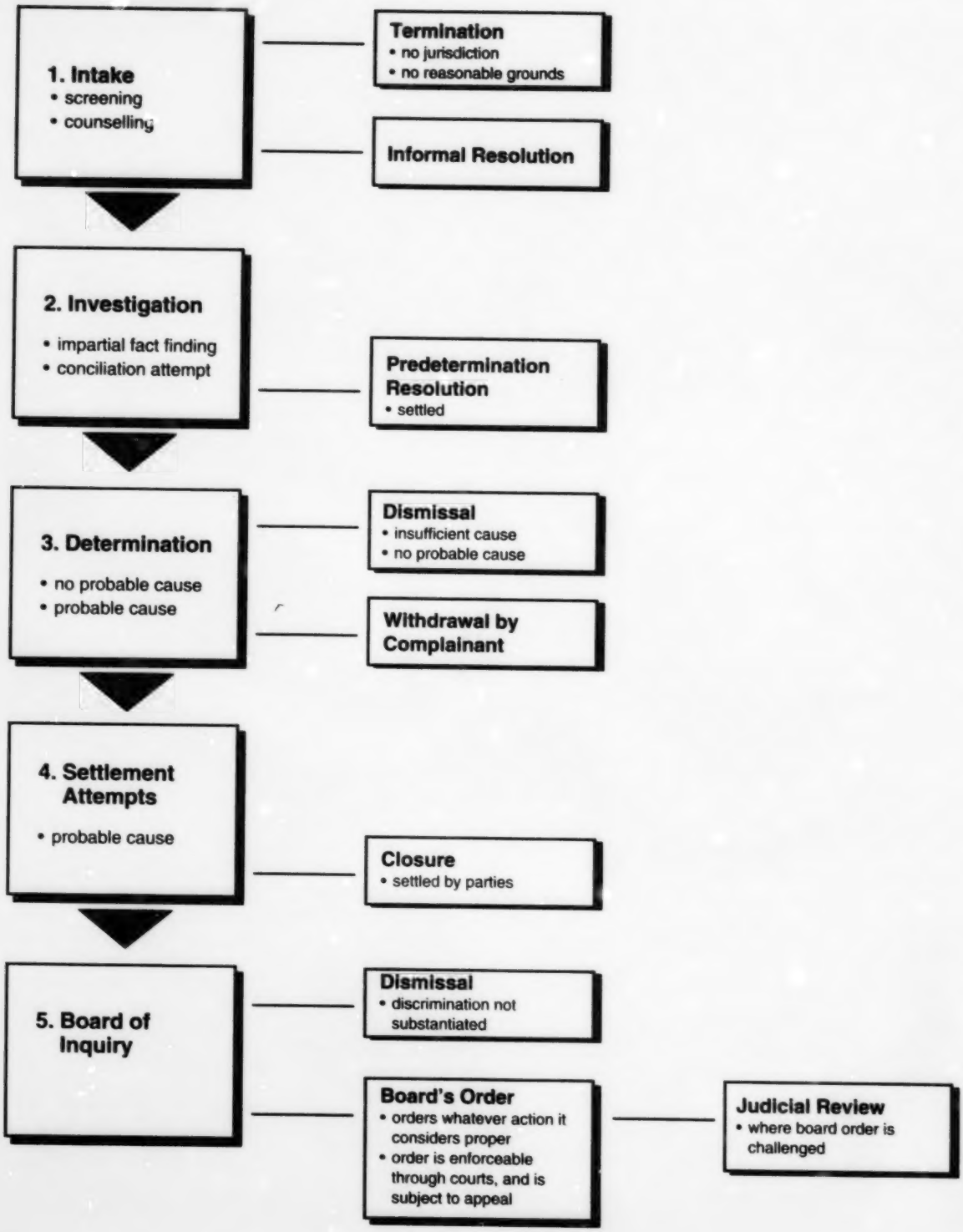
A complaint of race and ancestry discrimination was made to the Commission. The complaint involved two job competitions for employment with the City of Calgary. The Commission investigated the complaint. In order to complete its investigation, the Commission requested production of City of Calgary personnel documents relating to the competitions. The respondent refused to produce the documents. The Commission applied to the Court of Queen's Bench for an order compelling production of the documents. On October 12, 1988, the Court granted the order subject to certain conditions to protect the confidentiality of job applicants. An appeal by the respondent to the Court of Appeal was abandoned in October, 1989. When the documents were reviewed by Commission staff, the evidence showed that there was no basis for the discrimination complaint. The complaint was withdrawn by the complainant in March 1990.

5. Alexandra Vinogradov vs University of Calgary

(Court of Appeal)

Alexandra Vinogradov lodged a complaint with the Commission alleging that she was discriminated against by the University in not being considered for an appointment because of her sex. A Board of Inquiry was appointed in March of 1987. On July 20, 1988, the Board dismissed the complaint. The Commission and the complainant filed separate appeals on August 15, 1988. In December 1988, following receipt of an independent legal opinion, the Commission discontinued its appeal. The complainant's appeal to the Court of Queen's Bench was dismissed by Mr. Justice Rowbotham in February of 1989. The complainant appealed further to the Court of Appeal. The appeal has been set down for May 29, 1990.

COMPLAINT PROCEDURE



COMMISSIONERS

Fil Fraser, Chairman
June 1, 1989 to June 1, 1992

Fil Fraser, born in Montreal, Quebec, is a well-known broadcaster, communications consultant, writer and film producer. His 39-year career includes radio and television broadcasting in Ontario, Quebec, Saskatchewan and Alberta, newspaper publishing, educational television programming, substance abuse education, and film-making.

He is the founder of organizations promoting and establishing the Alberta and Canadian film industry. He is a Governor Emeritus of the Banff School of Fine Arts and Honourary Director of the Banff Television Festival. In 1978 he was awarded an Alberta Achievement Award and in 1985, the Alberta Human Rights Commission presented him with a special media award for his contributions in promoting human rights.

Mr. Fraser brings to the Commission extensive involvement in community service, arts and cultural development, and multiculturalism.

Shirish Chotalia
November 23, 1989 to December 1, 1993

Ms Chotalia, a lawyer, specializes in immigration and refugee law, constitutional law (she was involved in a precedent setting decision regarding the use of video tape evidence in criminal court), and wrongful dismissal claims. In addition to a Bachelor of Law degree from the University of Alberta, Ms Chotalia holds an undergraduate degree in English with distinction.

She has served on Boards and other positions with the Edmonton Immigrant Services Association; the Lessard Community League; Changing Together — a centre for immigrant women; and a number of non-profit associations dealing with the integration of persons with disabilities into mainstream society.

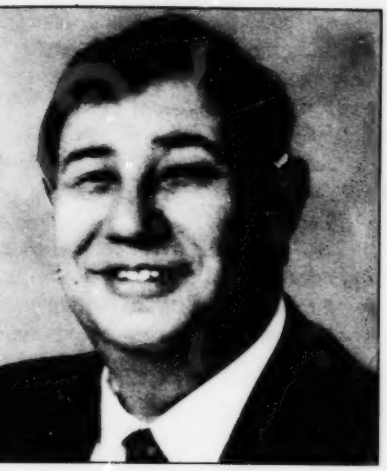
Ms Chotalia was also an announcer for several years with the Shaw Cable Company in Edmonton.

Dr. Raffath Sayeed
November 23, 1989 to December 1, 1993

Dr. Sayeed, a family physician, moved from Madras, India and has lived in Lloydminster, Alberta since 1976. He practises at Lloydminster Hospital and is president of the hospital's medical staff. He is also a member of the Canadian Association of Sports Medicine and is physician to Lloydminster's Junior 'A' hockey team.

Other volunteer activities include: supernumerary RCMP constable; president of the Saskatchewan Association of Rehabilitation Centres; member of the Board of Directors of the Canadian Association For Community Living; member of the Lions Club; a Freemason; and is a founding member of the Lloydminster rowing club, in which he is still an active member.

Dr. Sayeed is a past member of the Council of College of Physicians and Surgeons of Saskatchewan from 1986 to 1988; past chairman of the Bea Fisher Centre — a centre for adults with mental disabilities; and was a member of the Minister of Education's Consultative Committee for Tolerance and Understanding.



on Scrimshaw, Ed. D.
ovember 23, 1989 to
ecember 1, 1993

r. Scrimshaw is Manager of Com-
unity Relations and Technical
raining for the Alberta Gas Trans-
ission Division of NOVA Corpora-
on of Alberta, Edmonton office. His
volvement in Native affairs and
rporate affairs is extensive and
aried. From 1975 to 1979 he was
e director of Mount Royal College,
ld Sun Campus/Old Sun Commu-
ty College on the Blackfoot Re-
erve.

r. Scrimshaw served as chairman,
inister of Advanced Education and
anpower's Advisory Committee on
ative People's Education, was a
ember of the Minister of
ducation's Consultative Committee
Tolerance and Understanding,
d of the University of Calgary
enate. He has been a member of a
mber of Alberta and Saskatche-
an Native organizations, and has
so worked with Foothills Pipe Lines
d.

r. Scrimshaw holds a Ed. D. degree
Higher Educational Administration
m Brigham Young University,
ovo, Utah.

Edna Short
January 1, 1986 to December 31, 1989 (First Term)
December 21, 1989 to January 1, 1992 (Second Term)

Edna Short is currently serving her second term with the Alberta Human Rights Commission.

Mrs. Short has lived in Red Deer since 1962 where she has been involved in the business community and in a number of community service organizations. She is former director of the Red Deer Chamber of Commerce, past chairperson for the Red Deer Tourist and Convention Board, and has served as member of the City of Red Deer Economic Development Board.

Mrs. Short has been a member of the Girl Guides of Canada for 30 years having served at the provincial level and local level as area commissioner, Parkland area. She has been a campaign director with the Red Deer and district United Way and continues to hold a director's position with the United Way.

Alaine Skoreyko
February 16, 1989 to
February 1, 1993

Alaine Skoreyko was the recipient of the 1988 Alberta Human Rights Award. The award is given out annually to an Albertan for outstanding achievement and leadership in support of human rights in the province.

Mrs. Skoreyko retired from teaching in 1986 after 23 years of service. While still a teacher, she founded The Society for the Prevention and Elimination of Discrimination and Stereotyping, (SPEDS). It is an educational program designed to foster an awareness and acceptance of social and cultural differences. The program was officially accepted as a resource unit by the Calgary Board of Education in 1986.

Mrs. Skoreyko is currently a partner in Foothills Educational and Psychological Services, and is a member of several community organizations. These include: the Calgary Canadian Citizenship Council, Citizens Against Racial and Religious Discrimination (CARRD), Alberta Association for Multicultural Education (AAME), Interculture Canada, the Alberta Teacher's Association, Multicultural Education Committee, Kappa Delta Pi and the Calgary Canadian Council of Christians and Jews.

ANNUAL HUMAN RIGHTS AWARD

Del Iannucci
January 26, 1989 to January 1, 1994

Mr. Iannucci moved to Canada from Italy with his family in 1957. He holds a B.A. (Honours) in Urban Geography from the University of Toronto and a Masters degree in Urban and Regional Planning from Queen's University in Kingston, Ontario. Since 1982 Mr. Iannucci has been residing in Calgary where he is currently an urban planning and land development consultant.

He is past president of the Alberta Chapter of the National Congress of Italian Canadians (N.C.I.C.) and is serving his second term as third vice-president of the N.C.I.C National Executive. Mr. Iannucci is also the former program coordinator for the Calgary Multicultural Centre. He has held executive positions with a number of community organizations including Big Brothers of Calgary, the Kinsmen Club of Calgary and the Calgary Italian Club.

Mr. Iannucci is currently chairman of the Calgary Committee to Promote Good Citizenship and has served as president of Calgary's Canada Day committee since 1988. Most recently Mr. Iannucci was appointed vice-president of the Alberta Provincial Canada Day committee.

DR. MATHEW ZACHARIAH

Dr. Mathew Zachariah was presented with the Alberta Human Rights Award on December 10, 1989. The award is given out annually to an individual for outstanding achievement and leadership in support of human rights in Alberta.

Dr. Zachariah was one of the first to promote the use of fiction written by "Third World" authors as a way to enable Canadian students to learn about people of other countries. In 1988-89, 15 Alberta Schools were chosen to pilot an education project initiated by Dr. Zachariah. "Thinking Globally" is a student/teacher multicultural development program that promotes understanding and respect for immigrants from Africa, the Caribbean, Asia and Latin America.

The New Challenges for Development Education in Canada in the 90s national workshop, held in Calgary in 1989, was organized largely through Dr. Zachariah's efforts. The major thrust of his work focuses on the idea that while promoting sustainable economic growth, greater opportunities must be provided for people to participate freely in political and cultural activities that enhance their personal lives and enrich their membership in communities.

The common thread running through Dr. Zachariah's extensive scholarly, professional, community service and creative writing activities is his conviction that individuals and institutions must work to shape a more humane, just and peaceful world where people can live with dignity. His local, provincial, national and international work has been devoted to promoting respect for Albertans who represent the many unique cultures of our province.

Dr. Zachariah was born in the state of Travancore (now part of Kerala), India and came to Canada in 1966. He received his citizenship in 1973 and is a professor in the Faculty of Education at the University of Calgary.

Nomination forms for the Human Rights Award are available from the Commission offices or by calling the Commission's toll-free number. Individual submissions are also accepted and should include: the name, address and telephone number of the nominee; the name, address and telephone number of the nominator; a description of the work and achievements that, in your opinion, qualifies the nominee for the award; and, documents in support of the nomination.

STATISTICS

CONTENTS

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Total Complaints by Province

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Percentage of Complaints

Number of Complaints

Complaints by Province

Sex of Complainant

Grounds of Discrimination

SUMMARY

TOTAL ACTIVITIES IN 1989-90

COMPLAINTS RECEIVED 1989-90	433
PREVIOUS YEAR COMPLAINTS CARRIED OVER	124
COMPLAINTS HANDLED IN 1989-90 (TOTAL)	557
COMPLAINTS CONCLUDED IN 1989-90:	
(A) Concluded prior to commission action	37
(B) Resolved Informally	195
Resolved Formally:	
Withdrawn	87
Dismissed	11
Settled	58
(C) Resolved Formally (Total)	156
Concluded at Board of Inquiry stage:	
Settled prior to Board of Inquiry hearing	0
Settled by Board of Inquiry decision	3
Dismissed by Board of Inquiry decision	0
(D) Concluded at Board of Inquiry stage (Total)	3
COMPLAINTS CONCLUDED IN 1989-90 (TOTAL) (A + B + C + D)	391
COMPLAINTS REMAINING ACTIVE	166

STATISTICS

BREAKDOWN OF TOTAL COMPLAINTS FOR PROVINCE 1989-90

		SIGNS	PUBLIC SERVICES	TENANCY	EQUAL PAY	EMPLOYMENT	EMPLOYMENT ADVERTISEMENTS/ APPLICATIONS	OCCUPATIONAL ASSOCIATIONS & TRADE UNION MEMBERSHIPS	RETALIATION	TOTAL	PERCENTAGE
Race/Colour	Black		19	5		18	1			43	
	Native	2	14	8		7	2			33	
	S. Asian		3	2		11				16	
	Oriental		6	2		3				11	26.1
	White		1			2	1			4	
	Others		1	1		3	1			6	
Sex	Male		1			8	1			10	
	Female	2	5			42	5			54	
	Pregnancy					47				47	39.3
Sexual Harassment	Male					4				4	
	Female		2	3		50				55	
Other	Religious Beliefs	1	4			9				14	3.2
	Age					25	5			30	6.9
	Ancesty		2	1		8		1		12	
	Place of Origin		3			5		3		11	5.3
	Marital Status					6				6	1.4
	Physical Disability		23	9		39	3	1		75	17.3
	Retaliation								2	2	.5
Total		5	84	31	0	287	19	5	2	433	
Percentage of Total		1.2	19.4	7.1	0	66.3	4.4	1.1	.5		100

STATISTICS

Cases Opened and Closed in 1989-90

Settlements*	214
Withdrawn/Pending Closed	88
Dismissed	3
Total	**305**

*Total monetary settlements cases opened and closed in 1989-90: $58,497

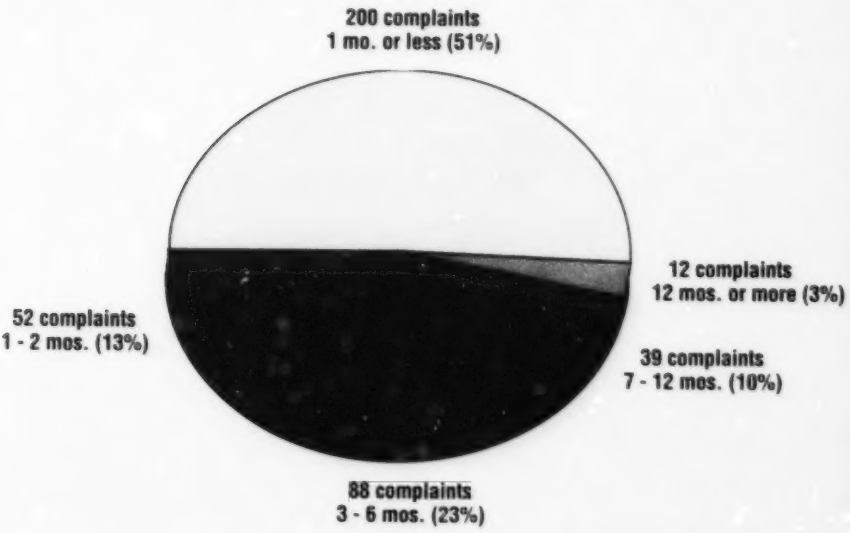
Cases Closed in 1989-90
(includes complaints from previous fiscal years)

Settlements**	256
Withdrawn/Pending Closed	124
Dismissed	11
Total	391

**Total monetary settlements complaints closed in 1989-90: $86,075

Note: Settlements also included letters of apology, reinstatement of jobs, and agreements by respondents to cease acts of discrimination.

Average time to handle the 391 complaints which were closed in 1989-90



Overall average time required to conclude cases: 116 days

Note: Time required to conclude cases may include time required for Boards of Inquiry or judicial decisions.

TOTAL COMPLAINTS FOR PROVINCE 1989-1990

STATISTICS

COMPLAINTS BY PROHIBITED AREAS OF DISCRIMINATION

Employment

1989-90	66.3%
1988-89	74.5%
1987-88	67.0%

Services and Accommodation

1989-90	19.4%
1988-89	15.5%
1987-88	19.6%

Employments, Advertisements and Applications

1989-90	4.4%
1988-89	2.7%
1987-88	4.3%

Tenancy

1989-90	7.2%
1988-89	5.2%
1987-88	5.5%

Retaliation

1989-90	0.5%
1988-89	0.7%
1987-88	1.3%

Equal Pay

1989-90	0%
1988-89	0.7%
1987-88	1.3%

Occupational Memberships, Unions

1989-90	1.0%
1988-89	0.7%
1987-88	1.0%

Signs and Notices

1989-90	1.2%

STATISTICS

Black

1989-90	38.1%
1988-89	30.1%
1987-88	35.2%

Native

1989-90	29.2%
1988-89	34.0%
1987-88	31.5%

Oriental

1989-90	9.7%
1988-89	20.7%
1987-88	9.2%

South Asian

1989-90	14.2%
1988-89	5.7%
1987-88	16.7%

White

1989-90	3.5%
1988-89	3.8%
1987-88	1.8%

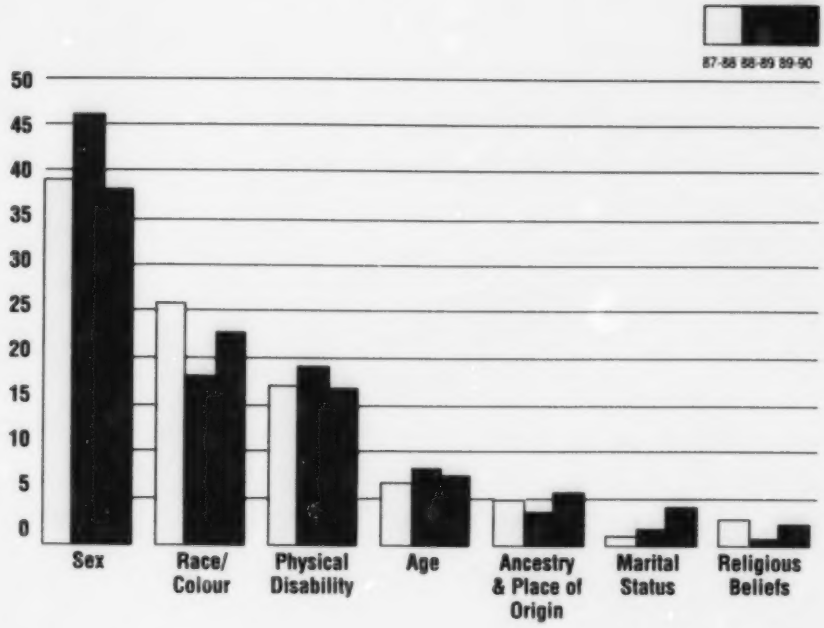
Others

1989-90	5.3%
1988-89	5.7%
1987-88	5.6%

COMPLAINTS BASED ON COLOUR

STATISTICS

PERCENTAGE OF THE TOTAL NUMBER OF COMPLAINTS CONSTITUTED BY EACH OF THE SEVEN MAJOR PROHIBITED GROUNDS OF DISCRIMINATION



Ground	89-90*	88-89*	87-88*
1 Sex	39.4%	46.2%	38.5%
2 Race and Colour	26.1%	18.4%	23.0%
3 Physical Disability	17.4%	19.4%	17.0%
4 Age	7.0%	9.0%	8.0%
5 Ancestry and Place of Origin	5.4%	4.0%	6.0%
6 Marital Status	1.5%	2.0%	4.5%
7 Religious Beliefs	3.2%	1.0%	3.0%

	1989-90		
Status	Pregnancy Complaints	Sexual Harassment Complaints	Age Complaints
Settled	18	27	15
Withdrawn	10	7	3
Dismissed	0	0	0
Active	15	19	11
Closed Pending	4	5	1
Totals	**47**	**58**	**30**

*percentages have been rounded off

Nakoda Declaration

We, the members of the Alberta Human Rights Commission, are committed to uphold the dignity of every Albertan. From time to time derogatory pins, calendars and other offensive materials have surfaced.

In response, we declare:

These materials degrade, dehumanize and hurt identifiable Albertans. They are wrong.

The distributors of these materials, for financial gain, exploit the fears of some Albertans. They will continue to look for new groups to exploit.

We believe that most Albertans are generous of spirit and do not want to hurt their neighbours. When we do not speak out we condone these harmful materials by our silence. We urge Albertans to speak out.

We commend the many Albertans who have already spoken out. We particularly commend newspaper editorial writers for consistently supporting human rights principles.

Alberta, as a member of the global community which has welcomed the world on many occasions, cannot tolerate these attitudes.

We believe that we are better and stronger when we treat each other with respect and dignity.

HRC7-88-A-750
ISSN 0380 4518